

DRAFT 10-29-13.2

WYOMING GAME AND FISH COMMISSION

CHAPTER 50

REGULATION GOVERNING FISHING PRESERVES

Section 1. Authority. These regulations are promulgated by authority of W.S. §23-1-102(a)(xiv), §23-1-103, §23-1-302, §23-5-201, §23-5-202, §23-5-203, §23-5-204 and §23-6-207.

Section 2. Effective Date. ~~These regulations are effective January 1, 2006 and shall remain in effect until modified or rescinded by the Commission.~~

Section 32. Definitions. ~~For the purpose of this regulation, definitions~~ **Definitions** shall be as set forth in Title 23, Wyoming Statutes, ~~Wyoming Game and Fish Commission Regulations~~, and the Commission also adopts the following definitions:

(a) ~~“Fishing Preserve” means any artificial or man-made body of water not exceeding one hundred (100) surface acres, lying wholly within the boundaries of privately owned lands, operated for the purpose of permitting the owner or lessee to provide fishing facilities for fishermen. It does not include natural streams, natural ponds or waters impounded by the damming of natural streams with a normal stream flow in excess of five (5) second feet (cubic feet per second). It is unlawful to use such natural waters as a fishing preserve. The sources of water for fishing preserves are limited to surface runoff, natural springs, wells, or waters lawfully diverted from a natural stream, or the damming of natural streams with a normal stream flow of five (5) second feet (cubic feet per second) or less.~~

(~~ba~~) **“Normal Stream Flow”** means the average daily flow (ADF) as determined by the Department.

Section 43. Licensing.

(a) Any person desiring to operate a fishing preserve shall submit proper fees and make application on forms provided by the Department. A map and legal description to the quarter (1/4) quarter (1/4) section, or lat-long coordinates in degrees, minutes and seconds, or in universal transverse mercator (UTM) coordinates of all privately owned lands to be included in the fishing preserve shall be provided. If privately owned lands are leased, a copy of the lease agreement shall also be included with the license application form. ~~The applicant shall provide the species name of all fish to be stocked and reared in waters described in this section.~~

(b) ~~A separate license application is required for each body of water defined in this section as fishing preserve waters. Two (2) or more ponds under one (1) ownership, supplied by one (1) common water source and located on one (1) continuous parcel of land, shall be considered as one (1) body of water requiring one (1) license. It shall be a violation of this regulation for the fishing preserve licensee to stock and/or maintain any species of fish not listed on the license application approved by the Department.~~

(c) A person may request to amend a fishing preserve license by submitting a written request to the Chief of Fisheries. The amendment shall specify the requested changes to the original fishing preserve license. The amendment request shall be reviewed by the Department and approved or denied.

(d) A fishing preserve license expires on the last day of the calendar year for which the license was issued.

Section 54. Acquisition of Fish. The source of fish to be stocked in fishing preserve waters shall be an aquaculture facility approved by the Department as defined in Commission Regulation Chapter 10, ~~Section 5(b)(i)(D)(4)~~Regulation for Importation, Possession, Confinement, Transportation, Sale and Disposition of Live Wildlife.

Section 65. Transportation of Live Fish Prohibited. No person shall transport live fish, live fish eggs, or live fish gametes from fishing preserve waters except as authorized by the Department.

Section 76. Method of Take. Fish can only be taken or fished for in fishing preserve waters by legal fishing methods. Fishing preserve licensees may set their own creel limits. All other Commission fishing regulations apply. ~~A fishing license is not required.~~

Section 8. Receipt for Removal of Fish. ~~The licensee shall issue a receipt, provided by the Department, to any person removing fish from licensed premises.~~

Section 97. Removal of Unauthorized Species. Introduction of unauthorized fish species may require removal of said species or complete depopulation of fishing preserve waters within a time frame and by a method determined by the Department. These actions include, but are not limited to: 1) total or partial fishing preserve depopulation, due to possession of unauthorized species, or presence of fish disease pathogens of concern; or, 2) the capture of or destruction of escaped aquatic wildlife.

Section 108. Revocation of License. Failure to comply with any section within this regulation or with conditions placed on the license at the time of issuance shall be considered just cause for revocation of a fishing preserve license. Revocation of a license by the Commission shall be carried out in accordance with Commission Regulation Chapter 27, Rules of Practice Governing Contested Cases before the Wyoming Game and Fish Commission.

Section 11. Violation of Commission Regulations. ~~Failure to abide by the provisions of this regulation shall be punishable as provided by Wyoming Statutes for violation of Commission regulations.~~

Section 12. Savings Clause. ~~If any provision of this regulation is held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end the provisions of this regulation are severable.~~

WYOMING GAME AND FISH COMMISSION

By: _____
Linda Fleming Mike Healy, President

Dated: November 7, 2005 January 22, 2014
~~nunc pro tunc~~